EXHIBIT A

Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 2 of 39. PageID #: 662

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

TIFFANY SMITH, on behalf of herself and all others

Case No. 1:16-CV-714

similarly situated

V.

Plaintiff,

DECLARATION OF AMERICAN

•

LEGAL CLAIM SERVICES, LLC REGARDING DUE DILLIGENCE

IN SETTLEMENT ADMINISTRATION

STERLING INFOSYSTEMS-OHIO, INC., fka as

Acxiom Information Security Services, Inc., et al.

Defendants.

Defendants.

I, **KEITH SALHAB**, declare as follows:

1. I am a Consultant for American Legal Claim Services, LLC ("ALCS"). I am over twenty-one years of age, not a party to this action, and am authorized to make this declaration on behalf of ALCS and myself.

- 2. On May 1, 2017, Class Counsel retained ALCS as the Claims Administrator in the *Smith v Sterling Infosystems-Ohio, Inc. et al* class action. Our duties include: a) preparing, printing and mailing of the Court approved notice and claim form (collectively known as the "Notice Package"); b) tracking of requests for exclusion; c) processing return mail with address locator services; d) mailing class awards to Class Members; e) establishing and maintaining a settlement website; f) establishing and maintaining a settlement class center; and g) for such other tasks as the Court orders ALCS to perform.
- Class Member Notification. On May 9, 2017, Class Counsel provided ALCS with the Class List which contained 1,890 Class Member names and addresses. ALCS assigned a unique id to each record. ALCS submitted the Class Members' name and address information to the US Postal Service's ("USPS") National Change of Address ("NCOA") database.

- 4. <u>PAAN Class Notification</u>. Pursuant to the Preliminary Approval Order, ALCS caused the Settlement Notice, Claim Form, and Exclusion Form ("PAAN Class Notice Package"), attached hereto as Exhibit A, to be mailed to the 1,134 PAAN Class Members via USPS First Class Mail on May 26, 2017.
- 5. <u>NOTICE Class Notification</u>. Pursuant to the Preliminary Approval Order, ALCS caused the Settlement Notice and Exclusion Form ("NOTICE Class Notice Package"), attached hereto as Exhibit B, to be mailed to the 756 PAAN Class Members via USPS First Class Mail on May 26, 2017.
- 6. **Forwarding Order Expired Processing**. As of August 22, 2017, ALCS has received a total of 12 Notice Packages returned by the USPS with a forwarding address provided. ALCS promptly re-mailed Notice Packages to these addresses.
- 7. <u>Undeliverable as Addressed Processing</u>. As of August 22, 2017, ALCS received a total of 378 Notice Packages returned by the USPS without a forwarding address provided. ALCS conducted address searches using a nationally recognized location service to attempt to locate new addresses for these Class Members. As of August 22, 2017, these searches resulted in 256 updated addresses. ALCS promptly re-mailed Notice Packages to these addresses.
- 8. The following is a summary of the noticing associated with this Class, as of August 22, 2017:
 - Total number of Class Members: 1,890
 - Total number initially mailed: 1,890
 - Total number of initially mailed Notice Packages that were returned by USPS and processed: 325
 - Total number of initially mailed Notice Packages that were updated and re-mailed: 265
 - Total number of initially mailed Notice Packages with no updated address: 60
 - Total number of re-mailed Notice Packages that were returned as undeliverable: 62
 - Total number of undeliverable Notice Packages: 122

- 9. Website. On May 23, 2017, ALCS established a website (www.everifilesettlement.com) dedicated to this settlement. This website provides additional information to the Class Members and to answer frequently asked questions. Visitors of the website can download a copy of the Notice of Class Action Settlement, Settlement Agreement and Release, and Preliminary Approval Order. This website also contained a link for PAAN Class members to submit their claim form using the online filing system. The web address for the settlement website was set forth in the Notice.
- 10. <u>Toll-Free Telephone Number</u>. On or before May 23, 2017, ALCS established a toll-free telephone number dedicated to answering telephone inquiries from Class Members.
- Notice Class Members who wish to be excluded from the settlement to mail their request for exclusion to ALCS by July 25, 2017. As of August 22, 2017, ALCS has received 8 timely requests for exclusion, attached hereto as Exhibit C. In addition, ALCS has received 1 timely, invalid exclusion and 1 untimely, valid exclusion, attached hereto as Exhibit D.
- 12. **PAAN Class Exclusion Processing**. The PAAN Class Notice Package directed PAAN Class Members who wish to be excluded from the settlement to mail their request for exclusion to ALCS by July 25, 2017. As of August 22, 2017, ALCS has received 5 timely requests for exclusion, attached hereto as Exhibit E. In addition, ALCS has received 1 timely, but otherwise invalid request for exclusion, attached hereto as Exhibit F.
- 13. **Objection Processing**. The Notice Package directed Class Members who wish to object to the settlement to file their objections and any supporting papers with the Court by July 25, 2017. As of August 22, 2017, ALCS has not received any letters of objection. Additionally, after review of the Docket, ALCS is not aware of any objections filed with the Court.

- 14. **PAAN Claims Processing**. The PAAN Class Notice Package directed PAAN Class Members who wish to participate in the settlement to mail their claim form to ALCS by July 25, 2017. As of August 22, 2017, ALCS has received 202 timely, valid claim forms.
- 15. <u>Invalid Claims</u>. As of August 22, 2017, ALCS has received 5 invalid, duplicative claims submitted, 3 untimely, but otherwise valid claims, and 1 untimely, deficient clam. In addition, ALCS has received 1 timely, deficient claim. ALCS promptly sent a deficient remediation letter, but this claim was never remediated.
- 16. <u>Undecided PAAN Class Members</u>. As of August 22, 2017, ALCS has received both a claim form and request for exclusion form submitted by 2 PAAN Class Members. ALCS promptly reached out to these 2 PAAN Class Members, but have not received a response.
- 17. <u>Deceased Class Members</u>. As of August 22, 2017, ALCS has been notified that class members William Sewell and Paul Michael Ayersman are deceased.
- 18. <u>Settlement Administration Costs</u>. As of August 22, 2017, ALCS has incurred a total of \$12,811.26 in administration expenses.

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I declare under penalty of perjury that the above	is true and correct to the best of my knowledge,
information and belief. Executed this 22-day of Au	gust, 2017. Keith Salhab
STATE OF FLORIDA) COUNTY OF DIVID)	
I, a Notary Public in and for the said County in said S is signed to the foregoing instrument, and who is (as identification, acknowle the contents of this instrument, such person executed date.) personally known to me or () has produced edged before me on this day that, being informed of
Given under my hand this the 22 day of Au	agust, 2017.
(SEAL)	NOTARY PUBLIC My Commission Expires: 1. 26.21

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EXHIBIT A

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Return Mail Only

E-VERIFILE SETTLEMENT («mailingid»)

PO BOX 23369

JACKSONVILLE, FL 32241

Notice ID: «noticeid»

PIN: «pin»



Postal Service: Please do not mark barcode

«fname» «Iname»
«addrline1»
«addrcity» «addrstate» «addrzip»

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF Y	OU WISH TO OPT OUT******
*****DO NOT COMPLETE BOTH SIDES O	F THIS FORM****
,, am a class member	and do hereby opt out of the Class Action
(PRINT NAME)	
awsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern Dist	rict of Ohio Case No. 1:16-cv-714. Tunderstand
that by opting out I will receive no benefits or compensation from the	lawsuit.
DATE:	
	Signature of Class Member
	Address
	City, State and Zip Code
	Telephone Number

Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 9 of 39. PageID #: 669_{PIN: «pin»} Notice ID: «noticeid» Smith v. Sterling Infosystems-Ohio, Inc et. al. Civil Action No. 1:16-cv-714 YOU HAVE RECEIVED THIS CLAIM FORM BECAUSE E-VERIFILE'S RECORDS SHOW THAT YOU MAY HAVE BEEN DELAYED OR DENIED EMPLOYMENT BASED UPON A BACKGROUND REPORT ISSUED BY E-VERIFILE.COM BETWEEN MARCH 21, 2014 AND MARCH 21, 2016. PAAN OPT-IN REQUEST Smith v Sterling Infosystems-Ohio, Inc et. al.. - Civil Action No. 1:16-cv-714 COMPLETE THIS FORM TO OBTAIN A CASH PAYMENT FOR A GROSS AMOUNT OF UP TO \$418.95 INSTRUCTIONS VERIFY THAT YOUR NAME AND ADDRESS INFORMATION IS CORRECT. 1. ADD YOUR TELEPHONE NUMBER AND E-MAIL ADDRESS. 2. SIGN BELOW VERIFYING THAT THE INFORMATION PROVIDED IS TRUE AND ACCURATE 3. **E-VERIFILE SETTLMENT** MAIL YOUR COMPLETED CLAIM FORM TO: 4. ATTN: SETTLEMENT ADMINISTRATOR PO BOX 23680 JACKSONVILLE, FL 32241-3680.

THE DEADLINE T	o su	IBMIT A CLAIM IS JULY 25, 2017.
If the name and address is correct as shown at the right, check this box. Otherwise, make		«fname» «lname» «addrline1»
any changes changes below. Please print clearly.		«addrcity» «addrstate» «addrzip»
		on if the preprinted information above is correct.
First Name	MI	Last Name/Suffix
Current Address		
City		State ZIP
Phone Number Em	ail Ad	ddress (if you have one)
I swear under penalty of perjury that the information	on th	nis claim form is true and correct to the best of my knowledge and belief.
		- 2 0 1 7
Signature		Signed Date (MM-DD-YYYY)

Para recibir una notificación en español, llame al 1-844-755-5801 o visite nuestra página web: <u>www.eVerifileSettlement.com</u> Administrator Use Only - Do not write below this line

QUESTIONS? CALL 1-844-755-5801 TOLL FREE, OR VISIT <u>www.eVerifileSettlement.com</u>
You may also use this website to file your Opt-In Request electronically and receive confirmation of your submission.



Postmark

Received

«uid»

PAAN CLASS

A federal court authorized this notice. This is not a solicitation from a lawyer.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

TIFFANY SMITH, on behalf of herself and all other similarly situated,

Plaintiff,

CASE NO. 1:16-cv-714

٧.

STERLING INFOSYSTEMS-OHIO, INC., STERLING INFOSYSTEMS, INC., and E-VERIFILE.COM, INC.

Defendants.

IF YOU APPLIED FOR A JOB WITH AN EMPLOYER THAT OBTAINED YOUR BACKGROUND REPORT FROM e-VERIFILE.COM, INC. BETWEEN MARCH 21, 2014 AND MARCH 21, 2016, YOU ARE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:				
MAKE A CLAIM FOR A CASH PAYMENT	In order to receive any cash payment in this settlement, you must submit the claim form attached to this notice, or send your own letter with the same information. If you make a valid claim, you may receive a cash payment of approximately \$418.95.			
DO NOTHING	If you do nothing, you will not receive a payment and you will not be able to bring your own lawsuit against the Defendant.			
EXCLUDE YOURSELF	If you mail a request to be excluded from this settlement, you may keep your right to bring any lawsuit on your own. You will not receive any payment from this case.			
OBJECT	Write to the Court about why you do not like the settlement.			

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PAAN CLASS

BASIC INFORMATION

1. Why did I get this notice package?

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give "final approval" to the Settlement. *The Settlement affects your legal rights whether or not you act.* This notice explains the lawsuit, the Settlement, and your legal rights. Judge Patricia Gaughan, of the United States District Court for the Northern District of Ohio, is overseeing this class action. The case is known as *Smith v. e-Verifile.com,Inc.*, Case No. 1:16-cv-714.

2. What is this lawsuit about?

This lawsuit alleges that e-Verifile did not comply with the Fair Credit Reporting Act in the manner in which it obtained, relied upon and/or issued background reports of job applicants. If you are a Class Member, e-Verifile obtained, relied upon and/or issued your background report.

3. Why is this a class action

In a class action, one or more people called Class Representatives (in this case Tiffany Smith), sue on behalf of people who have similar claims. Collectively these people are called a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. U.S. District Judge Patricia Gaughan is in charge of this class action.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiff or e-Verifile. The Plaintiff thinks she could have won at trial. E-Verifile thinks the Plaintiff would not have won at trial. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the costs of a trial, and the people affected will get compensation. The Plaintiff, e-Verifile, and the attorneys think the settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT?

5. How do I know if I am part of the settlement?

You are a member of this Settlement Class and are affected by the settlement because you were the subject of a background report from e-Verifile between March 21, 2014 and March 21, 2016 ("Class Period). Your background report(s) contained adverse public information. Specifically, for the purposes of settlement only, the Court has provisionally certified a Settlement Class as defined as follows:

All natural persons residing in the United States who were the subject of one or more background reports furnished to a third party by e-Verifile.com, Inc., for employment purposes, which report(s) contained a record of criminal or traffic arrest or conviction or other criminal history, during the period March 21, 2014 through March 21, 2016.

Excluded from the Class are all counsel in this case, any judge who has presided over either mediation or disposition of this case (and the members of his immediate family), and any person who has already released e-Verifile.

THE SETTLEMENT BENEFITS—WHAT YOU GET?

6. What does the settlement provide?

E-Verifile has agreed to create a \$156,000 fund to be divided among two different groups of people.

The amount of your settlement payment depends on whether or not you were denied security clearance based upon a background report. e-Verifile's records show that a background report with adverse information was procured between March 21, 2014 and March 21, 2016 and that you were delayed or denied clearance based on the information contained in the report. For that reason, you are entitled to a Maximum Gross Settlement Payment of \$418.95.

Because the amount of each check to be issued is subject to pro rata deduction from the Settlement Fund for attorney's fees and costs approved by the Court, your expected payment will be a "net" amount of the Maximum Gross Settlement Payment.

HOW YOU GET A PAYMENT

7. How can I get a payment?

In order to receive any cash payment in this settlement, you must submit the claim form attached to this notice, or send your own letter with the same information. If you make a valid claim, you may receive a cash payment of approximately \$418.95.

Your claims form must be postmarked no later than <u>July 25, 2017</u> to e-Verifile Settlement, ATTN: Settlement Administrator, PO Box 23680, Jacksonville, FL 32241-3680.

8. When will I get my payment?

The Court will hold a hearing on <u>September 6, 2017</u> to decide whether to approve the settlement. If U.S. District Judge Patricia Gaughan approves the settlement after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

9. What am I giving up to get a payment or stay in the class?

Unless you exclude yourself, you are staying in the class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against e-Verifile about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you. You are releasing all claims under the Federal Fair Credit Reporting Act and similar state laws other than under 15 U.S.C. § 1681e(b).

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue e-Verifile on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself—or is sometimes referred to as opting out of the Settlement Class.

10. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *Smith v. e-Verifile.com*, *Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than <u>July 25, 2017</u>, to: e-Verifile Settlement, ATTN: Settlement Administrator, PO Box 23648, Jacksonville, FL 32241-3648.

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue e-Verifile in the future.

11. If I don't exclude myself, can I sue e-Verifile for the same thing later

No. Unless you exclude yourself, you give up any right to sue e-Verifile for the claims that this settlement resolves. If you have a pending lawsuit speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **July 25, 2017**.

12. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, you will not be receiving any money. But, you may sue, continue to sue, or be part of a different lawsuit against e-Verifile.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this Case?

The Court appointed the law firm of O'Toole McLaughlin Dooley & Pecora, Co. LPA, (440) 930-4001, Law Offices of John C. Bazaz, PLC (703) 272-8455, and Consumer Litigation Associates, P.C. (757) 930-3660 to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

PAAN CLASS

14. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to a third of the Settlement Fund for attorneys' fees as well as payment for expenses incurred to prosecute the case. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. The Court may award less than these amounts.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

15. How do I tell the Court that I don't like the settlement?

If you're a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. You must mail the objection postmarked no later than <u>July 25</u>, 2017, to the United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113.

16. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

17. When and where will the Court decide whether to approve the settlement

The Court will hold a Final Fairness Hearing on September 6, 2017, at the United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. U.S. District Judge Patricia Gaughan will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer questions U.S. District Judge Patricia Gaughan may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Smith v. e-Verifile*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714". Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than <u>August 23, 2017</u> and be sent to United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. You cannot speak at the hearing if you excluded yourself.

GETTING MORE INFORMATION

20. How do I get more information?

You can call 1-844-755-5801 toll free; write to e-Verifile Settlement, ATTN: Settlement Administrator, PO Box 23650, Jacksonville, FL 32241-3650; or visit the website at www.everifilesettlement.com where you will find answers to common questions about the settlement, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

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EXHIBIT B

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Notice ID: «noticeid» Return Mail Only E-VERIFILE SETTLEMENT («mailingid») PO BOX 23369 JACKSONVILLE, FL 32241 Postal Service: Please do not mark barcode «fname» «Iname» «addrline1» «addrcity» «addrstate» «addrzip» Smith v. Sterling Infosystems-Ohio, Inc et. al. Civil Action No. 1:16-cv-714 **EXCLUSION REQUEST** YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO: **E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS** PO BOX 23648 JACKSONVILLE, FL 32241 ******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT****** _____, am a class member and do hereby opt out of the Class Action (PRINT NAME) lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit. DATE: Signature of Class Member

City, State and Zip Code

Telephone Number

Address

NOTICE CLASS

A federal court authorized this notice. This is not a solicitation from a lawyer.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

TIFFANY SMITH, on behalf of herself and all other similarly situated,

Plaintiff,

CASE NO. 1:16-cv-714

V.,

STERLING INFOSYSTEMS-OHIO, INC., STERLING INFOSYSTEMS, INC., and E-VERIFILE.COM, INC.

Defendants.

IF YOU APPLIED FOR A JOB WITH AN EMPLOYER THAT OBTAINED YOUR BACKGROUND REPORT FROM e-VERIFILE.COM, INC. BETWEEN MARCH 21, 2014 AND MARCH 21, 2016, YOU ARE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:					
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against e-Verifile.com, Inc. about the legal claims in this				
OBJECT	Write to the Court about why you do not like the settlement.				
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.				
DO NOTHING	If the Court approves the settlement, the payment described in this notice will be sent to you automatically. You do not need to fill out a claim form or contact the Settlement Administrator to confirm your acceptance of the payment. You will not be able to sue e-Verifile.com, Inc. for the same claims alleged in the case.				

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NOTICE CLASS

BASIC INFORMATION

1. Why did I get this notice package?

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give "final approval" to the Settlement. *The Settlement affects your legal rights whether or not you act.* This notice explains the lawsuit, the Settlement, and your legal rights. Judge Patricia Gaughan, of the United States District Court for the Northern District of Ohio, is overseeing this class action. The case is known as *Smith v. e-Verifile.com,Inc.*, Case No. 1:16-cv-714.

2. What is this lawsuit about?

This lawsuit alleges that e-Verifile did not comply with the Fair Credit Reporting Act in the manner in which it obtained, relied upon and/or issued background reports of job applicants. If you are a Class Member, e-Verifile obtained, relied upon and/or issued your background report.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case Tiffany Smith), sue on behalf of people who have similar claims. Collectively these people are called a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. U.S. District Judge Patricia Gaughan is in charge of this class action.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiff or e-Verifile. The Plaintiff thinks she could have won at trial. E-Verifile thinks the Plaintiff would not have won at trial. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Plaintiff, e-Verifile, and the attorneys think the settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT?

5. How do I know if I am part of the settlement?

You are a member of this Settlement Class and are affected by the settlement because you were the subject of a background report from e-Verifile between March 21, 2014 and March 21, 2016 ("Class Period). Your background report(s) contained adverse public information. Specifically, for the purposes of settlement only, the Court has provisionally certified a Settlement Class as defined as follows:

All natural persons residing in the United States who were the subject of one or more background reports furnished to a third party by e-Verifile.com, Inc., for employment purposes, which report(s) contained a record of criminal or traffic arrest or conviction or other criminal history, during the period March 21, 2014 through March 21, 2016.

Excluded from the Class are all counsel in this case, any judge who has presided over either mediation or disposition of this case (and the members of his immediate family), and any person who has already released e-Verifile.

THE SETTLEMENT BENEFITS—WHAT YOU GET

6. What does the settlement provide?

E-Verifile has agreed to create a \$156,000 fund to be divided among two different groups of people.

E-Verifile's records show that a background report was procured between March 21, 2014 and March 21, 2016. For that reason, you are entitled to a Maximum Gross Settlement Payment of \$75.00.

Because the amount of each check to be issued is subject to pro rata deduction from the Settlement Fund for attorney's fees and costs approved by the Court, your expected payment will be a "net" amount of the Maximum Gross Settlement Payment.

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NOTICE CLASS

HOW YOU GET A PAYMENT

7. How can I get a payment?

You will automatically receive your payments. You do not need to do anything to receive it.

8. When will I get my payment?

The Court will hold a hearing on <u>September 6, 2017</u> to decide whether to approve the settlement. If U.S. District Judge Patricia Gaughan approves the settlement after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

9. What am I giving up to get a payment or stay in the class?

Unless you exclude yourself, you are staying in the class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against e-Verifile about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you. You are releasing all claims under the Federal Fair Credit Reporting Act and similar state laws other than under 15 U.S.C. § 1681e(b).

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue e-Verifile on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself—or is sometimes referred to as opting out of the Settlement Class.

10. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *Smith v. e-Verifile.com*, *Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. Be sure to include your name, address, telephone number, and your signature. Or, you may complete and return the Exclusion Request Form at the end of this Notice. You must mail your exclusion request postmarked no later than <u>July 25, 2017</u>, to: eVerifile Settlement, PO Box 23648, Jacksonville, FL 32241-3648.

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue e-Verifile in the future.

11. If I don't exclude myself, can I sue e-Verifile for the same thing later

No. Unless you exclude yourself, you give up any right to sue e-Verifile for the claims that this settlement resolves. If you have a pending lawsuit speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is <u>July 25, 2017</u>.

12. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, you will not be receiving any money. But, you may sue, continue to sue, or be part of a different lawsuit against e-Verifile.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this Case?

The Court appointed the law firm of O'Toole McLaughlin Dooley & Pecora, Co. LPA, (440) 930-4001, Law Offices of John C. Bazaz, PLC (703) -272-8455, and Consumer Litigation Associates, P.C. (757) 930-3660 to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to a third of the Settlement Fund for attorneys' fees as well

NOTICE CLASS

as payment for expenses incurred to prosecute the case. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. The Court may award less than these amounts.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

15. How do I tell the Court that I don't like the settlement?

If you're a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. You must mail the objection postmarked no later than <u>July 25, 2017</u>, to United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113.

16. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the settlement no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

17. When and where will the Court decide whether to approve the settlement

The Court will hold a Final Fairness Hearing on September 6, 2017, at the United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. U.S. District Judge Patricia Gaughan will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

18. Do I have to come to the hearing?

No. Class Counsel will answer questions U.S. District Judge Patricia Gaughan may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Smith v. e-Verifile*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714". Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than <u>August 23, 2017</u>, and be sent to the United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. You cannot speak at the hearing if you excluded yourself.

GETTING MORE INFORMATION

20. How do I get more information?

You can call 1-844-755-5801 toll free; write to e-Verifile Settlement, ATTN: Settlement Administrator, PO Box 23650, Jacksonville, FL 32241-3650; or visit the website at www.everifilesettlement.com where you will find answers to common questions about the settlement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 20 of 39. PageID #: 680

EXHIBIT C

Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 21 of 39. PageID #: 681

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Notice ID: 5228310

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HARVEY EVERNON REYNOLDS



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

I, Harvey E, Reyerds Jr., am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. | understand that by opting out I will receive no benefits or compensation from the lawsuit.

Smith v E-Verifile EXCLUSIONS 900001

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Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 22 of 39. PageID #: 682

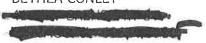
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BETHEA CONLEY



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

I, <u>Bethea T. Conley or</u>, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 6.1.2017

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Smith v E-Verifile

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RAYMOND LOUIS HEARNS

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

_____, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. Lunderstand that by opting out I will receive no benefits or compensation from the lawsuit.

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ARGENIS PALMA GUDIEL



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

I, <u>Organia Jalma</u>, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit *Smith vice-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 06-07-17

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Smith v E-Verifile

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Signature of Class Member

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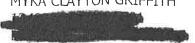
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MYKA CLAYTON GRIFFITH



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

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E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

, am a class member and do hereby opt out of the Class Action

(PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand

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that by opting out I will receive no benefits or compensation from the lawsuit.

Signature of Class Member

Address

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ROGELIO RAMIREZ ORTIZ

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

Tam a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. | understand that by opting out I will receive no benefits or compensation from the lawsuit.

Smith v E-Verifile

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Signature of Class Member

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CHAUNTESE EGGLETON



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

am a class member and do hereby opt out of the Class Action

(PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. | understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 6/02/

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Signature of Class Member

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ANITA L WALLACE



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

I, Anita L. Wallace, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: June 9, 2017

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Smith v E-Verifile

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anita L. Wallace

Signature of Class Member



Address



City, State and Zip Code



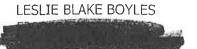
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Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

, heslie B Boyles, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE:

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Smith v E-Verifile

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Signature of Class Member

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I, Paul Michael Ayersmini (PRINT NAME) lawsuit Smith v. e-Verifile.com, Inc., U.S. Distr	, am a class member and do her						
that by opting out I will receive no benefits or compensation from the lawsuit.							
DATE: 6/30/17							
Paul Mr. Ayerstroom i		Signature of Class Member					
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Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 33 of 39. PageID #: 693

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MICHAEL R MESSICK

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

*****DO NOT COMPLETE BOTH SIDES OF THIS FORM*****

(PRINT NAME)

lawsuit *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 5-30-17

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Smith v E-Verifile

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Signature of Class Member



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Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 34 of 39. PageID #: 694

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LEONDRA L HOLT

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

*****DO NOT COMPLETE BOTH SIDES OF THIS FORM*****

am a class member and do hereby opt out of the Class Action

(PRINT NAME) Leondra'

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. Lunderstand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 5-30-2017

169 Smith v E-Verifile

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Signature of Class Member

Address

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WILLIAM THOMPSON

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

*******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

*****DO NOT COMPLETE BOTH SIDES OF THIS FORM*****

1, William Thompson , am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

Smith v E-Verifile EXCLUSIONS 900007

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Signature of Class Member

Address

City, State and Zip Code

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BRIAN R MERINO



Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

*****DO NOT COMPLETE BOTH SIDES OF THIS FORM*****

Brian Merino

__, am a class member and do hereby opt out of the Class Action

(PRINT NAME)

lawsuit Smith v. e-Verifile.com, Inc., U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 6-2-17

169 Smith v E-Verifile EXCLUSIONS 900016

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Signature of Class Member



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Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 37 of 39. PageID #: 697

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PAUL P BROWN

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

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E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT******

*****DO NOT COMPLETE BOTH SIDES OF THIS FORM*****

I, PAN PATRICK 13 Rown, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 7-14-18

169 Smith v E-Verifile

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American Legal Claims

Signature of Class Member

Address

City, State and Zip Code

Telephone Number

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Case: 1:16-cv-00714-PAG Doc #: 67-1 Filed: 08/25/17 38 of 39. PageID #: 698

EXHIBIT F

E-VERIFILE SETTLEMENT (PAAN) PO BOX 23369

JACKSONVILLE, FL 32241

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PIN: 955 178 723



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BERNARD J CROCKETT

Smith v. Sterling Infosystems-Ohio, Inc et. al.

Civil Action No. 1:16-cv-714

EXCLUSION REQUEST

YOUR EXCLUSION MUST BE POSTMARKED BY JULY 25, 2017 AND RETURNED TO:

E-VERIFILE SETTLEMENT ATTN: EXCLUSIONS PO BOX 23648 JACKSONVILLE, FL 32241

******PLEASE COMPLETE ENTIRE FORM ONLY IF YOU WISH TO OPT OUT*******

*****DO NOT COMPLETE BOTH SIDES OF THIS FORM*****

I, Bernard Crockett, am a class member and do hereby opt out of the Class Action (PRINT NAME)

lawsuit *Smith v. e-Verifile.com, Inc.*, U.S. District Court, Northern District of Ohio Case No. 1:16-cv-714. I understand that by opting out I will receive no benefits or compensation from the lawsuit.

DATE: 6-21-17

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Smith v E-Verifile

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JUN 27 2017

American Legal Claims

Signature of Class Member



Address



City, State and Zip Code

